

REMARKS

Claims 1-10 are pending in the above-reference patent application and have been rejected by the Examiner. In addition, the Examiner has objected to the drawings under 37 CFR 1.83(a) stating that the drawings must show every feature of the invention specified in the claims. The Examiner states that the bearing element and the rod eye each including alignment marks as recited in claim 10 must be shown or the features canceled from the claims.

In response to the previous Office Action, Applicants filed an amended Figure 3 showing the alignment marks, however, in the section of the Office Action entitled Response to Amendment, the Examiner states that new material had been added which was not supported by the original specification, and goes on to say that the proposed drawing containing the alignment mark 37 having such concaved configuration was not included.

While it is true that the configuration shown in Figure 3 for alignment mark 37 was not included in the original drawings, Applicants respectfully submit that it does not constitute new matter as this amendment is amply supported in the claims. Claim 10 as originally filed states that "the bearing element and the rod eye each include alignment marks." Per MPEP Section 608.01(I), in establishing a disclosure, Applicant may rely not only on the description and drawings as filed but also on the original claims if their content justifies it. Where subject matter not shown in the drawing or described in the description as claimed in the application as filed, and such original claim itself constitutes a clear disclosure of this subject matter, then the claim should be treated on its merits and requirement made to amend the drawing and description to show this subject matter. Also, in Section 608.04 of the MPEP it states in pertinent part "in establishing disclosure Applicant may rely not only on the specification and drawings, but also on the original claims."

Claim 10 of the patent application as filed and maintained throughout the prosecution of this case has always disclosed that the rod eye and bearing element include alignment marks. Since this claim constitutes part of the original disclosure, an amendment to the drawings as per the MPEP to include the disclosed subject matter should not constitute new matter and Applicants respectfully request that the objection be withdrawn.

The Examiner has rejected claims 1-3 and 5-11 under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 4,856,366 to Nikolaus. As an initial matter, claim 11 was canceled in response to the previous Office Action. In the Office Action the Examiner states that it would have been obvious to modify the limited channel of Nikolaus by having the channel extend completely around the circumference. The Examiner goes on to state that "Applicants have not disclosed that having the channel extend completely around the circumference solves any stated problem or is for any particular purpose and since Applicants disclosed that the oil channel does not have to extend over the whole circumference, on page 11, lines 28-29, it appears that the oil distribution would perform equally well with the channel extended at any length as long as the channel connects two ports." Applicants are somewhat confused by the Examiner's reference to the specification. Claim 1 is clear on its face that as part of their invention Applicants are claiming that the channel extend completely around the circumference of the bearing element. A statement in the specification alleging that this does not have to be the case and has no bearing on what is recited in claim 1.

Moreover, it is not possible for the channel in the Nikolaus reference to extend all the way around the circumference of the bearing element. To facilitate this, the channel would have to be cut into both the cap portion 30 and the main portion 29 of the connecting rod 18. However, the cap portion and the main portion are separate components with the cap portion having a semicircular inner periphery that extends approximately half way around the bearing and an abutment surface that engages a similar surface defined by the main portion of the connecting rod. If the channel were formed completely around the bearing element, it would leak at the interface between the cap portion 30 and main portion 29 thereby rendering the lubrication system ineffective. This being the case, one of ordinary skill in the art would never have looked to the disclosure of the Nikolaus reference for guidance in developing a system where a bearing element is lubricated via a channel extending completely around the circumference thereof. Accordingly, the Nikolaus reference cannot be said to teach or suggest the invention recited in claim 1 of the instant application due to the fact that making such a modification to the connecting rod of Nikolaus would result in oil leaks and potentially render the invention inoperative.

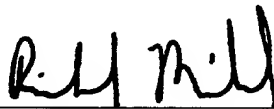
The Examiner has also rejected claim 4 under 35 U.S.C. § 103(a) as also being unpatentable over Nikolaus and further in view of U.S. Patent No. 6,024,548 to Bushnell. However, claim 4 depends from independent claim 1 which applicants now contend is in condition for allowance, accordingly claim 4 should also be allowable.

Based on the foregoing, Applicants respectfully submit that all of the pending claims in the instant application are in condition for allowance and an early action to that is earnestly solicited.

If any matter remains unresolved, the Examiner is respectfully requested to contact Applicants' representative at the number listed below.

While Applicants believe no fees are due upon filing this response, please charge any deficiencies in fees associated with the filing of this amendment to our Deposit Account No. 13-0235.

Respectfully submitted,

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